

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, August 6, 2019 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: Kevin Kluge, Chair; Jason Hathcock, Jennifer Fish, Mark Smalley

Board Member Present by Conference Call: Scott Mabery

Also Present in Conference Room 109: Vanessa Haney, Board Secretary; Alicia Bocardo, Recorder; David Niederdeppe, Board Attorney (conference call); Ottmar & Associates, Court Reporter; Yvonne Wong

Call to Order:

Approval of the Minutes:

July 9, 2019 – Public Meeting Minutes

MOTION: A motion to approve the public meeting minutes of the July 9, 2019 meeting was made by Jason Hathcock. The motion was seconded and passed unanimously; minutes stand approved. **CORP 2019-28**

Consideration of Disability Applications:

Disability Application #19-02 – IME Decision

The Board received Application #19-02 for Ordinary Disability benefits from Matthew Baack on May 20, 2019. The applicant was a Pima County Adult Probation Officer with 6.626 years of credited service with CORP. He terminated employment on May 17, 2019. The applicant identified the disabling condition as: “shattered L1 vertebrae-September 1, 2018.”

The applicant was notified via certified letter that the Board would consider the application at this meeting and of the applicant’s right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board for review. The criteria for Ordinary Disability benefits per A.R.S. §38-886.01 are: “Ordinary disability” means a physical condition that the local board determines will prevent an employee from totally and permanently performing a reasonable range of duties within the employee's department or a mental condition that the local

board determines will prevent an employee from totally and permanently engaging in any substantial gainful activity.” The applicant’s physical exam dated October 10, 2012 was also provided. The exam report identified “lumbar degenerative disease” as a pre-existing condition.

Dr. Paul Cederberg performed an Independent Medical Examination of the applicant on July 9, 2019. A copy of Dr. Cederberg’s IME report was provided to the Board.

The Chair noted that Mr. Baack was not in attendance in person or via conference call. Board Attorney David Niederdeppe promptly joined the conference line.

Board Attorney David Niederdeppe suggested evoking executive session if the Board should request legal advice.

MOTION: A motion to enter Executive Session to receive legal advice was made by Mark Smalley at 10:05 a.m. Motion was seconded and passed unanimously. **CORP 2017-29**

MOTION: A motion to return to open session was made by Mark Smalley at 10:11 a.m. Motion was seconded and passed unanimously. **CORP 2017-30**

The Chair asked Board member Scott Mabery for insight based on his experience on how a county might handle a situation like this. Board member Scott Mabery replied that in his experience as Director of Juvenile Court Services for Yavapai County, reasonable accommodations had been made for employees in similar situations some of which included offering different positions with lighter duties. He went on to say that the accommodations, short-term or long-term, have been dependent on the specific department and its size.

Board member Jason Hathcock asked the Board Secretary if Pima County made any accommodations for Mr. Baack or if he was offered another position. The Board Secretary stated that the applicant did not indicate anything to that effect and that the applicant only informed the Board Secretary that he had terminated his position and moved out of the state.

Board member Jennifer Fish stated that based on the IME doctor’s response under “history of present injury”, Mr. Baack is currently capable of carrying up to 75 pounds, can bend, reach, kneel, and crouch. Ms. Fish questioned whether the Adult Probation position Mr. Baack previously held, required more than 75 pounds to be lifted or carried and if so, she felt that the IME report appears to deem Mr. Baack capable of performing a full range of duties.

The Chair stated the importance of the Ordinary Disability Questionnaire responses noted by the IME doctor as the Board is bound by law to base decisions off what the IME doctor reports on the questionnaire along with the provided evidence. The Chair reiterated that the IME doctor found that, in regard to the physical injury, the injury does not totally or permanently prevent the employee from performing a reasonable range of duties in a CORP designated position.

MOTION: A motion to deny the application for Ordinary Disability Retirement benefits from Applicant #19-02, Matthew Baack, based on the findings of the Independent Medical Evaluation conducted by Dr. Paul Cederberg for the Local Board, as set forth in his report dated July 9, 2019 and the Form C5-LB-O dated July 22, 2019, was made by Mark Smalley. Motion was seconded and passed unanimously. **CORP 2017-31**

Status Update: Membership Audit

The Board Secretary informed the Board that 47 discrepancies were identified in 2019 audit. 31 discrepancies have been resolved and the remaining 16 are still pending. She stated that staff is working with the counties to obtain complete records for the members in question.

The Board Secretary informed the Board that staff identified the discrepancies by comparing the list of active members in the CORP database against those listed with Public Safety Personnel Retirement System. She stated that the discrepancies included: missing notice of retiree return to work, missing rehire paperwork, and missing new hire CORP enrollment forms.

Board member Jason Hathcock asked the Board Secretary if the 47 discrepancies seemed unusually high compared to other years and if she faced any challenges with the new PSPRS system database. The Board Secretary replied that the initial discrepancy was much higher, and that the cause was from lack of notification from the counties when members: terminate their employment, transfer to a non-AOC CORP position, or transfer to ASRS. She also informed the Board that PSPRS granted staff limited access to the PSPRS system database to view membership dates which has helped with the audit.

Approval of Death Benefits:

An application for death benefits was submitted for the Board's approval pursuant to A.R.S. §38-887.

MOTION: A motion to approve the payment of a Death Benefit to the following beneficiaries in about the following amount was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2019-32**

Member: Alan Chamberlain (Deceased 5/21/19)
Benefit Payable to Designated Beneficiaries:
Kaitlin Chamberlain and Jeremiah Raines: \$69,945.53 each

Approval of Normal Retirement Benefits:

There were eight applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, effective August 1, 2019 was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2019-33**

Denise Barlow	\$3,171.46
Jann Barrett	\$2,846.14
Keith Caldwell	\$3,084.13; Reverse DROP Estimate: \$195,384.44
Billye Harris	\$2,921.64; Reverse DROP Estimate: \$ 20,623.30
Juan Linarez	\$2,298.23
Melissa Reiber	\$1,729.12
Carl Sheets	\$5,658.32; Reverse DROP Estimate: \$284,341.65
David Sherman	\$2,724.92

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

MOTION: A motion to approve the 11 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Victoria Flores and Melanie Griffin-Torres identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Mark Smalley. The motion was seconded and passed unanimously. CORP 2019-34

Bush, Justin	Mohave	6/17/2019
Cruz, Miranda	Maricopa	7/07/2019
Doughty, Sean	Pima	6/03/2019
Flores, Victoria	Mohave	7/14/2019
Gallardo Rojas, Lizette	Maricopa	7/07/2019
Griffin-Torres, Melanie	Maricopa	7/14/2019
Istratie, Jeanett	Maricopa	7/07/2019
Lucinda Cling	Navajo	6/30/2019
William, Klewer	Maricopa	7/07/2019
Trotter, Linda	Maricopa	7/15/2019
Vasquez, Carlos	Yuma	2/25/2019

See Attachment A to these minutes for details of the membership approved at this meeting.

Future Agenda Items:

The Board Secretary informed the Board that the IME results for applicant 19-01 were received and that the consideration of accidental benefits for applicant 19-01 will be placed on the agenda for the September 10, 2019 meeting. She also stated that other items for the September 10, 2019 meeting agenda will include: an audit update and a survivor benefit application review.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10: 29 a.m.

Transcribed August 9, 2019